

AN ORDINANCE **9 6 9 4 6**

RESCINDING AN EXISTING LICENSE AGREEMENT WHICH GRANTED THE LINDOR CORPORATION USE OF AIR RIGHTS OVER AND ACROSS A PUBLIC RIGHT OF WAY, SPECIFICALLY, AN IMPROVED ALLEY LOCATED BETWEEN 214 E. TRAVIS STREET AND 217 E. HOUSTON STREET FOR CONSTRUCTION OF AN OVERHEAD PASSAGEWAY; AND GRANTING A TEN (10) YEAR LICENSE AGREEMENT TO 214 TRAVIS LTD., A TEXAS LIMITED PARTNERSHIP, THE CURRENT OWNER, TO USE AIR RIGHTS OVER THE SAME PUBLIC RIGHT OF WAY FOR USE, MAINTENANCE, AND OPERATION OF AN EXISTING OVERHEAD PASSAGEWAY WITHIN NEW CITY BLOCK 407 FOR A \$51,510.00 LICENSE FEE, TO BE PAID OVER A TEN-YEAR PERIOD.

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WHEREAS, the **CITY** passed and approved Ordinance No. 85671 on February 27, 1997, granting the Lindor Corporation a nonassignable 25 year License Agreement to use air rights over and across a Public Right of Way, specifically, an improved alley located between 214 E. Travis Street and 217 E. Houston Street for construction of an overhead passageway; and

WHEREAS, **Petitioner** 214 Travis LTD., a Texas Limited Partnership, purchased the building located at 214 E. Travis Street from the Lindor Corporation and is requesting that the City grant a ten (10) year License Agreement to use air rights over and across the above described Public Right of Way, for an existing overhead passageway within New City Block 407, for a license fee of \$51,510.00; and

WHEREAS, this action is consistent with the City of San Antonio Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1.The License Agreement with Lindor Corporation to use air rights over and across a Public Right of Way, specifically, an improved alley located

between 214 E. Travis Street and 217 E. Houston Street for construction of an overhead passageway, is hereby rescinded.

SECTION 2. A ten (10) year License Agreement is hereby granted to 214 Travis Ltd., a Texas Limited Partnership, the current owner, to use air rights over the same Public Right of Way referenced in **SECTION 1.** herein for use, maintenance, and operation of an existing overhead passageway within New City Block 407 for a \$51,510.00 license fee, to be paid over a ten-year period. The City Manager, or her designee, is hereby authorized to execute said License Agreement appearing in substantially the same form as Attachment I attached hereto and incorporated herein for all purposes.

SECTION 3. The proceeds of the agreement shall be deposited into Fund No. 11-000 entitled "General Fund," Index-78993 Code 012732, entitled "License Agreements- Use of ROW."

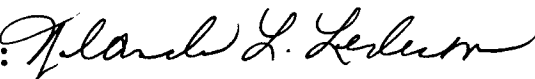
SECTION 4. The Director of Finance, may, subject to concurrence by the City Manager or her designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

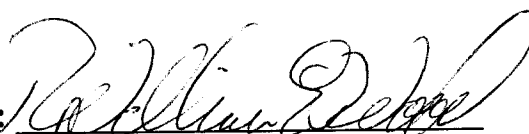
SECTION 5. This ordinance shall be effective on December 29, 2002.

PASSED AND APPROVED this 19th day of December, 2002.



M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney